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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/902,733

07/12/2001

Aviad Zlotnick

ZLOTNICK=2

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06/02/2005

BROWDY AND NEIMARK, P.L.L.C.

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WASHINGTON, DC 20001-5303

EXAMINER

DESIRE, GREGORY M

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,733

Applicant(s)

ZLOTNICK, AVIAD

Examiner

Gregory M. Desire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-14,16-25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-14,16-25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed 10/29/04.

Response to Amendment

2. Examiner acknowledges the cancellation of the independent objected claims 4, 15 and 26 and amending the independent claims 1, 12 and 23, to respectively include the previous objected claims. The indicated allowability of claims 4-10, 15-21 and 26-32 are withdrawn in view of the newly discovered reference(s) to Yeager et al. Rejections based on the newly cited reference(s) follow. The examiner apologizes for any inconvenience this new rejection has caused.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-8, 11-13, 16-19, 22-24 and 27-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeager et al (5,950,190).

Regarding method, apparatus and computer software claims 1, 12 and 23 Yeager discloses,

Presenting the data to the operator in a plurality of data fields (note fig. 4 block 53, shows plurality of data fields on the display) on the computer display (note fig. 4 block 50 and col. 9 lines 36-40 and 63-65, search window generated by dynamic graphical user interface, which presents data to the user on a computer, window environment is operated on a computer);

Placing multiple instances of an on-screen control at different locations on the display (note fig. 4, 53, 54 and additionally the "ok", "clear", "help" and "done" tabs, drop box 54 shows different operators (on-screen controls) at different locations (input field 53, show 6 different fields) on the search window, the drop box 54 provide multiple instances because each instance can occur each separate of input 53) in proximity to different ones of the fields (note 54 instances of the control are in proximity to different ones of fields 54) for selection by the operator using a pointing device linked to the display (note col. 10 lines 36-38); and

Actuating the control responsive to the selection by the operator of any of the instances of the control on the display (note col. 10 line 60-65, clicking button 52, actuates the control responsive to the selection by the operator of an instance of the control on the display).

Regarding method, apparatus and computer software claims 2, 13 and 24 Yeager discloses,

Wherein actuating the control comprises receiving an indication from the operator that the data are verified (note fig. 4 "done" clicking on done button indicates that

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operator's interaction with the search window and data is verified and also col. 10 lines 60-65).

Regarding method, apparatus, and computer software claims 5, 16 and 27 Yeager discloses,

Wherein the selection of the on-screen control indicates that the operator has finished processing the data in the plurality of the fields (which reads on the "OK" or "Done" tabs in fig. 4.).

Regarding method, apparatus and computer software claims 6, 17 and 28 Yeager discloses,

Wherein placing the instances comprises interspersing the instances of the control between the data fields (note fig. 4, block 54, instances are interspersed between data fields 52 and 53).

Regarding method, apparatus and computer software claims 7, 18 and 29 Yeager discloses,

Wherein the locations of the multiple instances are so as to minimize a traverse of the pointing device required to select one of the instances (Note fig. 4, block 54, multiple locations of controls placed next to each field identified by part 53 minimize a traverse of the pointing device).

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Regarding method, apparatus and computer software claims 8, 19 and 30 Yeager discloses,

Wherein presenting the data comprises displaying in the fields characters from a document to which codes have been assigned so that the operator can verify that the assigned codes are correct (note fig. 4, 53 and col. 10 line 66 to col. 11 line 33). Which reads on user selecting an entry with the list of possible description. SQL command reads on the code. Data shown provides correct results.

Regarding apparatus claims 11, 22 and 33 Yeager discloses,

Wherein the multiple instances comprises providing three or more instances of the control on screen (note fig. 4 depict multiple instances of control 54 by the clicking of six different arrows).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9-10, 14, 20-21, 25 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager in view of Kanatsu (6,628,832).

Regarding method, apparatus and computer software claims claim 3, 14 and 25

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Yeager discloses a database containing data tables (note fig. 1 block 24).

However, Yeager does not clearly disclose wherein presenting the data comprises presenting results of optical character recognition (OCR) for verification by the operator. Kanatsu discloses converting document data having a table format into electronic data using OCR (note col. 1 lines 10-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an OCR in the system of Yeager. Converting data table to electronic form (note col. 1 lines 10-14) would have highly desirable feature in a data management system due to its computerized functions and Kanatsu recognizes converting to electronic form would be expected when an OCR is used in Yeager.

Regarding method, apparatus and computer software claims 9, 20 and 31 Yeager does not disclose expressly,

Displaying the characters comprises displaying results of optical character recognition (OCR) processing. Kanatsu discloses displaying the characters comprises displaying results of optical character recognition (OCR) processing (note Kanatsu fig. 1 block 15, data table in electronic form (by OCR) is displayed by a display 15). Yeager and Kanatsu are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person ordinary skill in the art to display results of OCR processing in the system of Yeager as disclosed by Kanatsu. The suggestion/motivation for doing so would have been displaying analysis results

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(note col. 3 lines 57-59). Therefore it would have been obvious to combine Yeager with Kanatsu to obtain the invention as specified in claims 9, 20 and 31.

Regarding method, apparatus and computer software claims 10, 21 and 32 Yeager discloses,

Displaying together a plurality of the characters a field (note Yeager fig. 4 and col. 10 shows display of plurality of characters "camera") Yeager does not disclose expressly assigning the same code by the OCR processing. Kanatsu discloses assigning characters with character codes (note col. 7 lines 42-46, characters converted to character codes. Yeager and Kanatsu are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to assign character code by OCR processing in the system of Yeager as evidenced by Kanatsu. The suggestion/motivation for doing so would have been obvious to efficiently correct data (note col. 7 lines 47-55. Therefore it would have been obvious to combine Yeager and Kanatsu to obtain the invention as specified in claims 10, 21 and 32.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-3, 5-14, 16-25 and 27-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 10/191,035. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application are broader than copending application and therefore are fully disclosed by the patent claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

✓ Gregory M. Desire
Examiner
Art Unit 2625



G.D.
May 20, 2005